



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

DORCINE TURNER,

Plaintiff,

v.

CHASE HOME FINANCE, LLC,

Defendant.

:
: CIVIL ACTION NO. 11-cv-4031
: JURY TRIAL IS DEMANDED.

COMPLAINT - CIVIL ACTION

A. Jurisdiction and Venue

1. Federal jurisdiction is based upon a federal question under the FDCPA.
2. Venue lies in this judicial district in that the events which gave rise to this claim occurred here and the property which is the subject of the action is situated within this district.

B. Parties

3. Plaintiff Dorcine S. Turner is a natural person residing at 5927 Wayne Avenue, Philadelphia, PA 19144 (hereinafter "the property").

4. Defendant CHASE HOME FINANCE, LLC ("Chase") is a corporation engaged in the business of servicing residential mortgage loans with principal offices at 3415 Vision Drive Columbus, OH 43219.

C. Factual Allegations

5. Prior to the events described hereinafter, plaintiff's subprime loan with American Mortgage Inc. was, after its 2006 origination, securitized into a loan pool trust with the servicing rights either retained by or sold to Washington Mutual and or its related subsidiary Long Beach Mortgage.

6. In 2009, Defendant acquired from Washington Mutual and Long Beach the

servicing rights to plaintiff's loan when said loan was in default.

7. Plaintiff was granted a HAMP loan modification in 2009 and thereby became current again on his mortgage.

8. In 2010, plaintiff's annual loan escrow amount for tax and insurance was \$3,100.

9. On or about November, 2010, defendant sent check a refund of escrow in the amount of \$1,528.00 and decreased plaintiff's total payment from \$1099 to \$1086.

10. Thereafter, in January, 2011, without knowledge or notice to plaintiff, defendant placed plaintiff in a new policy of insurance carrying a premium of \$600.00 more per year.

11. In February, 2011, Plaintiff's monthly loan payment increased to \$1,333.45.

12. In February, 2011, Defendant sent plaintiff a notice that he was two (2) months in default on his mortgage.

13. Despite repeated phone calls to defendant by plaintiff, Chase has knowingly refused to properly account for plaintiff's loan payments and otherwise impose unwarranted forced place insurance costs and fail assess required escrow balances all causing wrongful collection demands and damage to plaintiff's credit.

14. Upon information and belief, Chase is reporting derogatory credit information to the Credit Reporting Agencies based on its false allegations of plaintiff's default on his mortgage loan.

15. Plaintiff has suffered emotional stress, mental anguish and humiliation as a result of the Defendant's threatened commencement of foreclosure and wrongful accounting of his loan as well as severe damage to his credit by defendant.

COUNT 1 - FAIR DEBT COLLECTION PRACTICES ACT

16. Plaintiff re-alleges all prior paragraphs as if set forth fully herein.

17. Chase is a debt collector within the meaning of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a, in that, at the time it became the servicing agent for plaintiff's loan, the loan debt was contractually in default and Chase otherwise regularly collects debts owed to another, such as the Trust which currently alleges ownership of plaintiff's loan.

18. Proper accounting for plaintiff's mortgage loan payments would have determined that plaintiff was not in arrears and that any arrears was caused by defendant failing to properly account for escrow charges for the 2011 time period and otherwise force placing homeowners insurance in fraudulent or negligent manner so as to cause plaintiff's alleged default.

19. Chase's payment statements and collection letters to plaintiff have incorrectly stated the amount and the status of plaintiffs' debt.

20. Chase violated §1692e(2)(A) by making a false representation of the character, amount, or legal status of any debt;

21. Chase violated §1692f by engaging in unfair or unconscionable means to collect or attempt to collect a debt.

COUNT II - DEFAMATION

22. Plaintiff re-alleges all prior paragraphs as if set forth fully herein.

23. Defendant's aforesaid reporting of plaintiffs being in arrears on their loan was and continues to be false.

24. Despite plaintiffs' repeated complaints, Defendant conducted no reasonable investigation of the truth or veracity of its defamatory statements concerning the reporting or accounting of plaintiffs' loan over the last nine (9) months.

25. Defendant made its defamatory statements concerning the reporting or accounting of plaintiffs' loan with reckless disregard of the truth or veracity of those statements without concern that the statements would harm plaintiffs.

26. Defendant's statements to the CRAs were made publicly and intended to be made public.

27. Plaintiff has been harmed by defendant's defamatory statements of derogatory credit remarks including but not limited to denials of credit.

28. Defendant's conduct is sufficiently outrageous to justify punitive damages.

COUNT III - EQUITY

29. Plaintiff re-alleges all prior paragraphs as if set forth fully herein.

30. Plaintiff demands equitable relief in the form of defendant being ordered to render accurate accounting of his loan including but not limited to said loan's escrow component.

JURY DEMAND

Plaintiff demands trial by jury.

PRAYER FOR RELIEF

Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- a. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- b. Statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- c. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3);
- d. Equitable relief in the form of an accurate accounting of plaintiffs' loan.
- e. Punitive damages for defamation;
- f. Such other and further relief as may be just and proper.

Dated: June 20, 2011

/s/RC935
Robert P. Cocco, P.C.
Attorney for Plaintiff

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 11974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS DORCINE TURNER (b) County of Residence of First Listed Plaintiff <u>PHILADELPHIA</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) ROBERT P. COCCO, P.C. 1500 WALNUT ST., SUITE 900 PHILADELPHIA, PA 19102 215-351-0200	CHASE HOME FINANCE LLC County of Residence of First Listed <u>OHIO</u> (IN U.S. PLAINTIFF CASES) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff) and One Box for Defendant) <table style="width: 100%;"> <tr> <td style="width: 50%;"> Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 </td> <td style="width: 50%;"> DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6 </td> </tr> </table>	Citizen of This State <input type="checkbox"/> 1 Citizen of Another State <input type="checkbox"/> 2 Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	DEF <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 Foreign Nation <input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)						
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgments Act <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	TORTS <table style="width: 100%;"> <tr> <td style="width: 50%;"> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury </td> <td style="width: 50%;"> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability </td> </tr> </table>	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 U.S.C. <input type="checkbox"/> 630 Liquor Law <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13-95 ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405 (g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 890 Other Statutory Actions
PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability					

V. ORIGIN <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Remanded or Reopened <input type="checkbox"/> 5 (specify) _____ <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Magistrate Judgment	(PLACE AN "X" IN ONE BOX ONLY) <input type="checkbox"/> Transferred from another district <input type="checkbox"/> Appeal to District Judge from <input checked="" type="checkbox"/> Appeal to District Judge from
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 15 U.S.C. §1692(K)	JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 (See instructions):	DEMAND \$ <u>52,000</u>	CHECK YES only if demanded in Complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	JUDGE _____	DOCKET NUMBER _____
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DATE <u>6/20/11</u>	SIGNATURE OF ATTORNEY OF RECORD <u>[Signature]</u>
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RECEIPT # _____	AMOUNT _____	APPLYING IFP _____	JUDGE _____	MAG JUDGE _____	
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JUN 20 2011

Address of Plaintiff: 5927 Wayne Avenue, Philadelphia, PA 19144.

Address of Defendant: 3415 Vision Drive Columbus, OH 43219

Place of Accident, Incident or Transaction: 5927 Wayne Avenue, Philadelphia, PA 19144.
(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY: None.

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of factor grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☐ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

6. ☐ Other Personal Injury (Please specify)

7. ☐ Products Liability

8. ☐ Products Liability - Asbestos

9. ☐ All other Diversity Cases

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Robert P. Cocco, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☒ Relief other than monetary damages is sought.

DATE: 6/20/11 Robert P. Cocco
Attorney-at-Law

61907
Attorney I. D. #

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 6/20/11 [Signature]
Attorney-at-Law

61907
Attorney I. D. #



**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

DORCINE TURNER

v.

CHASE HOME FINANCE LLC.

: CIVIL ACTION

:

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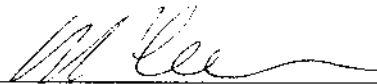
: NO. 11-cv-9031

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 8. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

6/20/11
(Date)


Attorney-at-law

ROBERT P. COCCO, ESQ.
Attorney for Plaintiff

JUN 20 2011